

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-24126-CIV-WILLIAMS

AMERICAN CIVIL LIBERTIES UNION
OF FLORIDA, INC.,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

**JOINT MOTION FOR ENTRY OF BRIEFING SCHEDULE IN LIEU OF STANDARD
TRIAL SETTING ORDER**

Plaintiff, American Civil Liberties Union of Florida, Inc., and Defendants, United States Department of Homeland Security, through its component, Defendant Immigration and Customs Enforcement (ICE), jointly move for the entry of a briefing schedule in lieu of standard trial setting order. In support of this Motion, the parties state the following:

1. Plaintiff filed this action seeking relief under the Freedom of Information Act, 552 U.S.C. § 552 for ICE's alleged failure to respond as required by FOIA to three requests for information related to two individuals' detention in ICE custody at the Baker County Detention Center in Macclenny, Florida.
2. Since the filing of Plaintiff's Complaint (ECF NO. 1), ICE has issued its final response to two of the three FOIA requests at issue. The agency is currently processing records responsive to the final pending request.

3. Lawsuits under the Freedom of Information Act are generally resolved through motions for summary judgment, oftentimes obviating the need for trial. *See Miscavige v. I.R.S.*, 2 F.3d 366, 369 (11th Cir.1993) (“FOIA cases should be handled on motions for summary judgment, once the documents in issue are properly identified”). Accordingly, the parties respectfully ask the Court to dispense with entry of a traditional trial setting order and, instead, enter an order establishing a schedule for briefing of summary judgment motion(s). The parties propose the following schedule:

Motions for Summary Judgment Due: [June 3, 2025]

Responses to Motion for Summary Judgment Due: [July 8, 2025]

Replies Due: [July 22, 2025]

4. In the event the case is not fully resolved by summary judgment, then the parties would propose providing a further update to the Court on their respective proposals for resolving disputed issues (i.e., whether any remaining aspects of the case should be resolved through trial or other means).
5. The parties submit that no discovery shall be taken unless and until authorized by the Court, following the adjudication of motion(s) for summary judgment or pursuant to an application made under Rule 56(d).

WHEREFORE, the parties respectfully request the entry of a briefing schedule for summary judgment in lieu of the standard trial setting order. Consistent with the foregoing, a proposed order granting this motion and setting a schedule as provided above is included below and will be emailed to chambers.

Dated: February 6, 2025
Miami, Florida

Respectfully submitted,

/s/ James Murray Slater
Slater Legal PLLC
9000 Dadeland Blvd.
Ste 1500
Miami, FL 33156
305-523-9023
Email: james@slater.legal
Counsel for Plaintiff

HAYEN O'BYRNE
UNITED STATES ATTORNEY

By: /s/ Carlos Raurell
Carlos Raurell
Assistant United States Attorney
Florida Bar No. 529893
Carlos.Raurell@usdoj.gov
United States Attorney's Office
99 NE 4th Avenue, Suite 300
Miami, Florida 33132
Telephone: (305) 961-9243
Facsimile: (305) 530-7139
Attorneys for the Defendant